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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,258	04/18/2000	Jeffrey M. Jahn	00 P 7577 US	1761
7590	02/04/2005		EXAMINER	
Siemens Corporation Intellectual Property Department 186 Wood Avenue South Iselin, NJ 08830			DAMIANO, ANNE L	
			ART UNIT	PAPER NUMBER
			2114	

DATE MAILED: 02/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/551,258	JAHN ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Anne L Damiano	2114	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 26 October 2004.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 2-8, 10-16 and 18-20 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 2-8, 10-16 and 18-20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 18 April 2000 is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities: Line 2, “the group” lacks antecedent basis. This is interpreted rather as saying “a group”. Appropriate correction is required.
2. Claim 13 is objected to because of the following informalities: Line 2, “the group” lacks antecedent basis. This is interpreted rather as saying “a group”. Appropriate correction is required.
3. Claim 16 is objected to because of the following informalities: Line 3, “the reportable” lacks antecedent basis. This is interpreted rather as saying, “the reportable network operation fault”. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 2-8, 10-13, 15, 16, and 18-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (6,205,563).

As in claims 2 and 18, Lewis discloses a method, implemented as a computer program product stored on a computer readable medium, comprising computer code for automatically reporting a detected network fault in a distributed communication network (column 13: lines 50-51), comprising:

Detecting the network fault (column 3: lines 25-29); (Intra-domain alarms indicative of status are provided by network management systems as a result of a network fault.)

Determining whether or not the detected network fault is a reportable network fault, wherein the reportable network fault is limited to only those detected faults that present a clear and present risk of causing substantial system downtime (column 3: lines 55-59 and column 11: lines 52-57); (A severe condition that may soon impact other domains is a fault that presents a clear and present risk of causing substantial system down time. If the condition is non-critical an inter-domain alarm is not sent (column 12: lines 10-12).)

Generating an alarm report (inter-domain alarm) based upon the reportable network fault (column 11: lines 56-58 and lines 62-65);

Distributing the alarm report based upon a distribution list in real time (column 6: lines 47-51 and column 11: lines 56-58); (The inter-domain alarm is sent to some or all the domains of the network implying that some form of list exists to dictate which alarms are sent to which domain. However alarms can also be sent directly to a user via email or telephone message further implying that means exist listing where alarms should be distributed.) and

Generating a solution recommendation (corrective actions) based upon the reportable network fault (column 3: lines 29-31 and lines 43-45).

As in claim 3, Lewis discloses a method as recited in claim 2, further comprising:

Logging the reportable network fault to an event logger (column 6: lines 33-37).

As in claim 4, Lewis discloses a method as recited in claim 3, wherein the detecting comprises;

Monitoring the communication network by a monitor device (network management system) (column 3: lines 24-29);

Generating a fault signal (alarms indicative of status specific to the single respective domain) by the monitor device (column 3: lines 27-29);

Generating a fault signal by the monitor device when the monitor device detects an out of compliance network event (column 3: lines 27-30); (Any type of alarm condition is interpreted as being an out of compliance network event.)

Sending the fault signal to a fault detector coupled to the monitoring device (column 3: lines 25-29); and

Logging the out of compliance event to the event logger (column 6: lines 35-37).

As in claim 5, Lewis discloses the method as recited in claim 4, wherein the determining comprises determining whether or not the out of compliance event is included in a reportable fault list (loops) (column 3: lines 54-65 and column 11: lines 48-58);

Designating the event as the reportable fault (severe condition) when the event is determined to be included in the reportable fault list (column 9: lines 1-5, lines 26-35 and

column 11: lines 48-58). (The loop must contain a list of the problems corresponding to the class.)

As in claim 6, Lewis discloses a method as recited in claim 5, wherein the distribution list includes destination addresses associated with the reportable fault (column 6: lines 47-51 and column 11: lines 56-57). (Some form of addresses must be present in the distribution list to enable sending different reportable faults to different domains. However alarms can also be sent directly to a user via email or telephone message further implying that means exist listing where alarms should be distributed.)

As in claim 7, Lewis discloses the method as recited in claim 6, wherein the distributing comprises:

Determining a fault report recipient based upon the distribution list: and

Sending the fault report to the determined fault report recipient by way of a fault report communication device (column 6: lines 33-37, lines 47-51 and column 11: lines 51-65). (The alarms are also displayed on the user interface.)

As in claim 8, Lewis discloses the method as recited in claim 7, wherein the fault communication report device is selected from a group comprising: a pager, an email server, a display console and a telephone (column 6: lines 15-37 and lines 47-51).

As in claim 10, Lewis discloses an apparatus coupled to a distributed communication network for automatically reporting detected network operation faults, comprising:

A fault detector (network management system) unit arranged to detect the network operation fault (column 3: lines 25-29 and column 7: lines 57-58); (Intra-domain alarms indicative of status are provided by network management systems as a result of a network fault.)

A fault analyzer (multi-domain alarm manager) coupled to the fault detector unit (NMS) (column 7: lines 62-64) arranged to ascertain whether or not the detected network operation fault is a reportable network operation fault wherein the reportable network operation fault is limited to only those detected faults that present a clear and present risk of causing substantial system downtime (column 3: lines 55-59 and column 11: lines 52-57); (A severe condition that may soon impact other domains is a fault that presents a clear and present risk of causing substantial system down time. If the condition is non-critical an inter-domain alarm is not sent (column 12: lines 10-12).)

An alarm notice generator unit coupled to the fault analyzer configured to generate a reportable network fault alarm notice based upon the reportable network operation fault (column 11: lines 48-58);

A fault solution analyzer unit coupled to the alarm notice generator unit arranged to generate a fault solution report (corrective actions) (column 3: lines 29-31 and lines 43-45); and

A display unit arranged to display the alarm notice and the fault solution report (column 6: lines 33-46).

As in claim 11, Lewis discloses the apparatus as recited in claim 10, further comprising:

An event logger coupled to the fault analyzer unit arranged to record the reportable network operation fault (column 6: lines 33-37).

As in claim 12, Lewis discloses the apparatus as recited in claim 11, wherein the display unit is part of a fault report communication device that provides real time notification of the reportable network operation fault to a user (column 6: lines 33-37, lines 47-51 and column 11: lines 51-65).

As in claim 13, Lewis discloses the method as recited in claim 12, wherein the fault communication report device is selected from a group comprising: a pager, an email server, a display console and a telephone (column 6: lines 15-37 and lines 47-51).

As in claim 15, Lewis discloses the apparatus as recited in claim 10, further comprising:  
A monitor device coupled to the fault detector arranged to monitor the communication network fro an out of compliance network operating event, (column 3: lines 27-30); (Any type of alarm condition is interpreted as being an out of compliance network event.), the monitor device generates a fault signal when the monitor device detects the out of compliance network operating event, and wherein the monitor device forwards the fault signal to the fault detector (column 3: lines 25-29)

As in claim 16, Lewis discloses the apparatus as recited in claim 10, wherein the fault analyzer determines whether or not the out of compliance network operating event is included in

a reportable fault list and designates the event as the reportable the reportable network operation fault (severe condition) when the event is determined to be included in the reportable fault list (loops) (column 3: lines 54-65, column 9: lines 1-5, lines 26-35 and column 11: lines 48-58).  
(The loop must contain a list of the problems corresponding to the class.)

As in claim 19, Lewis discloses computer program product for automatically reporting a detected network fault in a distributed communication network, comprising:

Computer code for detecting the network fault (column 3: lines 25-29); (Intra-domain alarms indicative of status are provided by network management systems as a result of a network fault.);

Computer code for determining whether or not the detected network fault is a reportable network fault (column 3: lines 55-59 and column 11: lines 52-57); (A severe condition that may soon impact other domains is a fault that presents a clear and present risk of causing substantial system down time. If the condition is non-critical an inter-domain alarm is not sent (column 12: lines 10-12).);

Computer code for generating an alarm report (inter-domain alarm) based upon the reportable network fault, wherein the reportable network fault is limited to only those detected faults that present a clear and present risk of causing system downtime (column 11: lines 56-58 and lines 62-65);

Computer code for distributing the alarm report based upon a distribution list in real time (column 6: lines 47-51 and column 11: lines 56-58); (The inter-domain alarm is sent to some or all the domains of the network implying that some form of list exists to dictate which alarms are

sent to which domain. However alarms can be sent directly to a user via email or telephone message further implying that means exist listing where alarms should be distributed.);

Computer code for logging the reportable network fault to an event logger (column 6: lines 33-37); and

Computer readable medium for storing the computer program product (column 13: lines 50-51).

As in claim 20, Lewis discloses the computer program product as recited in claim 19, wherein the computer code for detecting comprises:

Computer code for monitoring the communication network by a monitor device;

Computer code for generating a fault signal by the monitor device when the monitor device detects an out of compliance network event (column 3: lines 27-30); (Any type of alarm condition is interpreted as being an out of compliance network event.);

Computer code for sending the fault signal to a fault detector coupled to the monitor device (column 3: lines 25-29); and

Computer code for logging the out of compliance event to the event logger (column 6: lines 35-37).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis as applied to claim 13 above, and further in view of Murphy et al. (6,282,192).

Regarding claim 14, Lewis discloses the apparatus for automatically reporting detected network faults above. Lewis also discloses the apparatus being implemented on LAN's (column 5: lines 65-67). However, Lewis does not specifically disclose implementation on a telephony over LAN network.

Murphy discloses a detector that monitors a network using the voice over internet protocol on a packet switched network (column 2: line 67-column 3: line 2 and column 8: lines 30-43).

It would have been obvious to a person skilled in the art at the time the invention was made to implement Lewis's invention on a ToL network. It would have been obvious because Lewis teaches an fault detecting, alarm correlating apparatus implemented on a LAN, used to decrease human intervention related to network faults (column 3: lines 18-20) and Murphy teaches of detecting faults in an voice over network to improve quality of service. A person skilled in the art would have understood that implementing Lewis's invention on a ToL network would be desirable and would not deviate from the scope of the invention.

***Response to Arguments***

8. Applicant's arguments with respect to claims 2-8, 10-16 and 18-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

See PTO-892.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne L Damiano whose telephone number is (571) 272-3658. The examiner can normally be reached on M-F 9-6:30 first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (571) 272-3645. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ALD



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PRIMARY EXAMINER